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ABSTRACT

A study of English-as-a-second-language (ESL) and bilingual education policies in Oregon's local school districts analyzed their contribution to equal educational opportunity and quality education for language minority students. A survey of all public school districts in the state elicited information about eight policy areas: identification and assessment, instructional programs, primary language usage, exiting and mainstreaming, recognition of minority students' cultures, parent involvement, instructional personnel, and program evaluation. Responses to questions in these eight areas were analyzed as they relate to three phases of the Policy Process Model (policy formulation, implementation, and impact) and to state and federal law. Among the findings were that: (1) district policy or standards were infrequently mentioned as the basis for implementing ESL/bilingual practices in the schools, implying de facto policy for most districts and practice based on individual program directors' perceptions; (2) while the majority of districts were in apparent compliance with most questionnaire items related to the law, very few and very diverse districts appeared to meet all requirements for compliance with each law at federal and state levels; and (3) only two districts reported policies and practices supporting all of the basic principles for effectively educating language minority students. (MSE)

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AN ANALYSIS OF ESL/BILINGUAL EDUCATION POLICY IN OREGON SCHOOL DISTRICTS

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INTRODUCTION

Currently there is a national policy debate on the issue of appropriate educational programs for language minority students. Equal educational opportunity for language minority students is not merely the establishment of equal access to facilities, or even to equal treatment. In fact, equity is available to linguistic minorities only when their instructional treatment is different than the regular instructional program, as enunciated in the Lau v. Nichols Supreme Court decision (1974).

> There is no equality of treatment merely by providing students with the same facilities, textbooks, teachers and curriculum. (Lau v. Nichols, 1974, p. 566)

A large body of research has accumulated in the last decade identifying appropriate educational treatment for language minorities. In addition, extensive legislation and case law has addressed equal educational opportunity issues for these students.

Oregon law requires that schools provide equal educational opportunity for their students.

> Each district school board shall adopt written policies, and the school district shall maintain plans and programs, which assure equality of educational opportunity for all students. (OAR 581-21-505)

If school districts' policies, plans, and programs are to assure equal educational opportunity to linguistic minorities through appropriate treatment, then that treatment needs to be defined. It would seem that both research-based educational principles and legal mandates should form the basis for school district policies and programs for linguistic

minorities. Yet intense controversy surrounds the issue of what is appropriate educational treatment, from bilingual education advocates, to proponents of the submersion ("sink-or-swim") method of teaching limited-English proficient (LEP) students.

An analysis of local school districts' ESL/bilingual education policies provides useful information for school administrators as to whether their policies, plans, and programs do assure equal educational opportunity for all language minority students.

Importance of the Study

This study is the first in Oregon to document ESL/bilingual education policies statewide and to analyze them in terms of their propensity to provide equal educational opportunity to language minorities. The focus on implementation results in a greater understanding of administrative structures, processes, and behaviors involved in this area.

The study is pertinent to educators at the district level, by providing information that may assist them in moving their programs toward legal compliance and quality education for language minority students. It is relevant to educators and legislators at the state level in alerting them to the need for more consistency and quality in ESL/bilingual programs throughout the state.

The study provides a model for other statewide studies, where state officials wish to know the status of equal educational opportunity for language minority students in their schools.

Purpose of the Study

The purpose of this study is to document ESL/bilingual policies in local school districts in Oregon, and analyze the implementation of these policies in terms of their contribution to equal educational opportunity and quality education for language minority students.

Theoretical Framework

This study adopts policy analysis as a frame of reference because of its potential as a synthesizing paradigm for studies in educational administration (Boyan, 1981). Boyd and Immegart (1979) advocate policy analysis as a unifying approach for research in educational administration.

Policy research is a form of applied research that is decision oriented, in that its intent is to "produce information that will aid in making more rational choices among competing courses of action" (Haller & Strike, 1979, p. 229). This type of research fits the dynamic nature of educational research and meets the need for applicability of research findings.

The ESL/bilingual policies of school districts are examined here in the framework of the Policy Process Model (Brewer & DeLeon, 1983; Heflin, 1978; Jones, 1977). Jones visualizes this model in eleven stages: perception/definition, aggregation, organization, representation, agenda setting, formulation, legitimization, budgeting, implementation, evaluation, and adjustment/termination. Brewer lists six stages: initiation, estimation, selection, implementation, evaluation, and termination. Heflin (1978, 1981)

defines three broad phases which parallel the more narrowly described stages of Brewer and Jones. Table I demonstrates how the three models fit into the over-arching concept.

TABLE I

THE POLICY PROCESS MODEL

Heflin	Brewer	Jones
Policy Formulation:	Initiation Estimation Selection	Perception/ Definition Aggregation Organization Representation Agenda Setting Formulation
Policy Implementation:	Implementation	Implementation
Policy Impact:	Evaluation Termination	Evaluation Adjustment/ Termination

The research questions are tied to the three phases of the Policy Process Model, as described by Heflin (1978): policy formulation phase, policy implementation phase, and policy impact phase.

Policy Formulation Phase

1. What is the current status of ESL/bilingual educational policy in Oregon school districts?

Policy Implementation Phase

2. What are the structures and procedures which guide ESL/bilingual policy in the areas of (a) identification and assessment, (b) instructional programs, (c) primary language usage, (d) exiting and mainstreaming, (e) recognition of minority group cultures, (f) parental involvement, (g) personnel requirements, and (h) program evaluation?

Policy Impact Phase

3. Are local school districts' ESL/bilingual education policies in apparent compliance with the laws regarding equal educational opportunity for language minority students?

4. Are local school districts' ESL/bilingual education policies in concurrence with basic principles for effectively educating language minority students?

In order to answer these research questions, this paper first reviews the literature regarding appropriate educational treatment for language minority students, including research-based, basic principles for effectively educating LEP students, and a summary of federal and state legal requirements that promote equal educational opportunity for language minorities. Secondly, the methodology for this study is reported, including a description of the process used to design the survey instrument, and the identification of the eight policy areas to be examined. Third, the results of the survey are presented regarding the status of ESL/bilingual education policies and their implementation in Oregon School districts. Finally, conclusions are drawn regarding the impact of districts' ESL/bilingual policies, i.e., do they contribute to equal educational opportunity for language minority students in Oregon?

Review of Related Literature

There is an increasing awareness of the importance of research in sound educational policy formulation (Edmonds, 1982; Hakuta & Snow, 1986; Murphy, Weil, Hallinger, & Mitman, 1982). Linguistic research is at the forefront of the national policy debate over ESL/bilingual education (U.S. Senate, 1984). Court cases involving the educational treatment of language minority students rely on the input of research regarding language proficiency and academic achievement (Castaneda v. Pickard, 1981; Lau v. Nichols, 1974; Rios v. Reed, 1978).

Research into the most effective means for educating language minority students is a broad field covering the findings of psychologists, linguists, anthropologists, and sociologists. Termed "basic research" by Hakuta and Snow (1986), it

> focuses on the linguistic and psychological processes in the development of bilingual children. This research attempts to understand how children learn a second language, how their two languages interact, how language is related to thinking, and how children learn at different rates and develop different styles in their language and cognitive abilities. (Hakuta & Snow, 1986, p. 29)

Basic research has been characterized by sound research design and methodology, and has contributed much to the theoretical framework for effectively educating language minority students (California State Department of Education, 1982). In searching for an explanatory theory of bilingual education, Cummins and Swain (1986) identify two types of hypotheses, "interactive predictor hypotheses" (p. xvi) and "universal predictor hypotheses" (p. xvi). The first type is unlikely to achieve desired policy objectives because the effects in any particular context are dependent upon how they interact with other variables. Universal

predictor hypotheses, on the other hand, show consistent effects across a wide variety of contexts.

> Educational policy can be reliably based on these explanatory principles since their effects are not significantly mediated or reduced through interaction with other variables. (Cummins & Swain, 1986, p. xvi)

The Contextual Interaction Theory (California State Department of Education , 1982) is based on the five basic principles for educating language minority students. According to Cummins and Swain (1986), these principles are supported by universal predictor hypotheses. The Contextual Interaction Theory takes into account the interaction of several variables with instructional treatments, and their effects on student outcomes. The variables accounted for in this theory are community background factors, student input factors, educational input factors, instructional treatments, and student outcomes (California State Department of Education, 1982).

The five basic principles of the Contextual Interaction Theory describe how student input factors interact with instructional treatments to contribute to the three major goals of educational programs for language minority students: (a) English language proficiency, (b) academic achievement, and (c) psychosocial adjustment (California State Department of Education, 1982).

The first basic principle is "for bilingual students, the degree to which proficiencies in both L1 and L2 are developed is positively associated with academic achievement" (California State Department of Education, 1982, p. 7). That is, high levels of proficiency in both the first and second language (L1 and L2, respectively) correlate with high academic achievement. The application of this principle to educational

policy would indicate that the instruction of children in two languages will not necessarily confuse them nor harm them cognitively. In fact, it promotes academic achievement.

The second basic principle defines the two dimensions of language proficiency. "Language proficiency is the ability to use language for both academic purposes and basic communication tasks" (California State Department of Education, 1982, p. 9). The two domains of language proficiency have been labeled by Cummins (1981): Basic Interpersonal Communications Skills (BICS) and Cognitive Academic Learning Proficiency (CALP). The acquisition of CALP in a second language takes much longer (five to seven years) than BICS, and CALP is necessary to perform academic tasks. The second basic principle may be applied to educational policies that determine the length of time students remain in ESL/bilingual programs, and the type of procedures used to exit students to the regular instructional program.

The third basic principle suggests that there is a substantial amount of CALP transferable from L1 to L2. The principle is "for language minority students, the development of the primary language skills necessary to complete academic tasks forms the basis for similar proficiency in English" (California State Department of Education, 1982, p. 11). The significance of the third basic principle for school policy is that time spent learning in a student's primary language is not wasted. Many important skills and concepts can be taught in L1 while the student is still learning English. Once English language proficiency is developed, new labels can be taught without the necessity of re-teaching familiar concepts.

The fourth basic principle outlines the circumstances under which second language acquisition most readily occurs. "Acquisition of basic communicative competency in a second language is a function of comprehensible second language input and a supportive affective environment" (California State Department of Education, 1982, p. 13). This principle is based upon Krashen's (1981) Input Hypothesis, which states that an individual acquires language through exposure to language that is understandable, yet contains new grammatical structures just beyond the learner's current level. Krashen calls this level of language "comprehensible input" (p. 62). In order to efficiently process comprehensible input, certain affective conditions must be met. "Acquirers in a less than optimal affective state will have a filter, or mental block, preventing them from utilizing input fully for further language acquisition" (Krashen, 1981, p. 62). Since the primary goal of ESL/bilingual programs is to develop English language proficiency, the fourth basic principle has considerable usefulness in policy decisions concerning educational programs for LEP students.

The fifth basic principle emphasizes the importance of the context in which language acquisition and academic learning take place. The principle is stated: "The perceived status of students affects the interactions between teachers and students and among students themselves. In turn, student outcomes are affected" (California State Department of Education, 1982, p. 18). The applications of the fifth basic principle to school district policies and practices are very far-reaching in scope. Policies that promote equity can do much toward equalizing perceptions of group status within the school program. The

involvement of minority language parents in the educational process has been shown to be effective (Lujan, Sanz, & Torres, 1983). The employment of staff who share the same ethnic backgrounds as minority students increases self-esteem and feelings of group status (San Juan Cafferty, 1981). The importance of ethnic cultures and languages is enhanced when they are taught as part of the curriculum (Cummins, 1986). Instructional methods that give minority students a chance to excel in school, such as cooperative learning (Kagan, 1986), strengthen their feelings of self-esteem and perceived status.

The Contextual Interaction Theory, supported by the five basic principles outlined above, presents a theoretical framework for educating language minorities. The empirical research to sustain this theory is profuse, only a small portion of which has been cited in the above discussion.

Legal Mandates for Educating LEP Students

The legal requirements for the education of language minority students have their basis in research findings. The input of experts in the field of bilingual education and English as a second language instruction was considered in the passage of the Bilingual Education Act (1968) and other legislation regarding the education of language minorities. The Bilingual Education Act (Title VII of ESEA) provided funding to develop programs to educate language minorities using both their native languages and English. This act has been reauthorized with amendments at four-year intervals, and is currently in effect through 1992.

In 1970, the Office of Education published a clarification of the

Title VI Civil Rights Act (1964) as it applied to national origin students (U.S. Department of Health, Education, & Welfare, 1970). Known as the "May 25 Memorandum," this document informed school districts of their obligations toward language minority students.

> Where the inability to speak and understand the English language excludes national origin minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiencies in order to open its instructional program to these students (U.S. Department of Health, Education, & Welfare, 1970, p. 11595).

In the 1974 landmark case, Lau v. Nichols, the Supreme Court cited the May 25 Memorandum in charging school districts with taking affirmative steps to educate LEP students appropriately and meaningfully. In 1975, the Office of Education and the Office for Civil Rights (O.C.R.) issued "Task Force Findings Specifying Remedies Available for Eliminating Past Educational Practices Ruled Unlawful Under Lau v. Nichols" (U.S. Department of Health, Education, & Welfare, 1975). Commonly referred to as the Lau Guidelines, they outline appropriate affirmative steps to be taken by school districts to open their instructional programs to LEP students. They present minimum standards in the areas of identification of language minority students, program content, personnel, student assessment and reclassification, and although they do not have the force of law, they are used by the O.C.R. as standards of remediation for districts in violation of Title VI.

The states' role in ensuring equal educational opportunity for language minorities was formally recognized in the Equal Educational Opportunities Act of 1974.

No state shall deny equal opportunity to an individual on account of his or her race, color, sex, or national origin by... (f) the failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs. (Sec. 1703)

Oregon has enacted various laws in the form of Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR) that deal directly or indirectly with the educational treatment of language minority students. Districts must develop "Equal Opportunity Plans" which include components of multicultural education (OAR 581-21-046[9]). Districts are required to systematically identify LEP students and provide them with appropriate programs until such time that they can benefit from the regular school program (OAR 581-21-046[8]). Specific instruction in speaking, reading, and writing the English language is required for LEP students (ORS 336.079). Bilingual education is permitted (not required) as a means to maintain academic skills while children are acquiring English language proficiency (ORS 336.074). When assessing students for handicapping conditions, evaluation instruments must be culturally non-biased, and should be given in the student's primary language (OAR 581-15-072).

A basic skills curriculum is required that meets the needs of each student (OAR 581-22-402). Individual student assessment is required, and instruction must be provided "consistent with the desired achievement considering the needs and interests of each student" (OAR 581-22-602). Research shows that the curriculum and instruction provided for minority children must take into account their cultural backgrounds in order to consider their needs and interests.

All instructional programs must be regularly evaluated, and the

results are to be used to establish priorities for program improvement (OAR 581-22-600). Districts are charged with adopting written policies and maintaining plans and programs which assure equality of educational opportunity for all students (OAR 581-22-505).

Oregon laws also address the parents and teachers of LEP students. Communications with parents whose predominant language is not English should be in their home language, when information about testing their children is to be shared (OAR 581-21-030). Districts are responsible for the training for teachers assigned to work with LEP students (ORS 342.609).

The sanctions used to enforce these state laws are monetary. Any violation of rules regarding discrimination in education may result in withholding all or part of state funding (ORS 659.155).

Methodology

Survey research was utilized as an efficient method of gathering data from a widespread geographical area and a large number of subjects. The population surveyed consisted of all public school districts in Oregon.

The survey instrument was designed to meet several criteria. First, it needed to cover policy areas pertinent to meeting the needs of LEP students. The Center for National Origin Equity (CNOE) of the Northwest Regional Educational Laboratory in Portland, Oregon, provided technical assistance in the design and content of the instrument. The policy areas covered in the questionnaire represent, in part, a union of the survey instruments developed by CNOE to collect data relevant to educational equity. In addition, the Lau Guidelines were examined to determine the various program areas pertinent to equal educational

opportunity for language minority students.

After carefully considering the purpose of the study, the research on effective ESL/bilingual education, the laws regulating the education of language minority students, the Lau Guidelines, and the documents used by CNOE, eight policy areas were identified as pertaining to the provision of equal educational opportunities for language minorities. The questionnaire was designed to elicit information from these policy areas:

1. Identification and assessment
2. Instructional programs
3. Primary language usage
4. Exiting and mainstreaming
5. Recognition of minority students' cultures
6. Parent involvement
7. Instructional personnel
8. Program evaluation

The second requirement in designing the questionnaire was to achieve a high response rate. It was necessary to construct a questionnaire that was thorough enough to gather sufficient data, but not cumbersome to the point that recipients would decline to fill it out. After trying out several formats, one was selected that best accounted for the many variables being considered in the study and yet allow for relatively quick and uncomplicated completion by checking boxes (see Appendix).

The third criterion for the survey instrument was that it should measure accurately what it was intended to measure; that is, the actual ESL/bilingual policies and practices in Oregon public school districts.

Accuracy of measurement is one of the areas in survey research particularly susceptible to error, and the validity and reliability of the instrument are two critical considerations in measurement. According to Fowler (1984), four basic reasons why respondents report events inaccurately are:

1. They do not know the information.
2. They cannot recall it.
3. They do not understand the question.
4. They do not want to report the answer in the interview context.

In order to increase instrument reliability, all of these issues were considered and dealt with in the design, field testing, and administration of the questionnaire.

Content validity of the instrument was strengthened by relating each item on the questionnaire to either (a) legal mandates related to ESL/bilingual education, or (b) research-based principles for effectively educating language minority students.

The survey instrument was developed over a six-month period during which it underwent several revisions. Regular consultations were held with equity specialists from the Northwest Regional Educational Laboratory, and graduate faculty from Portland State University, with the purpose of focusing the instrument on the research questions and clarifying its intent. It was field-tested on ten administrators of ESL/ bilingual programs in Washington State. The final version of the survey instrument reflects input from these sources.

Surveys were mailed to the administrators in charge of ESL/bilingual programs in every school district in which that person was known. If

the administrators of these programs were not known, the surveys were mailed to the district superintendents, with instructions that they should be given to the appropriate personnel.

Within three weeks of mailing the surveys, fifty percent of the school districts had responded. Follow-up phone calls and mailings were made to non-responding districts, resulting in a 93.8 percent response rate.

Data Analysis

As the completed questionnaires were returned, they were separated into two groups: those districts which reported LEP students and those that did not. The information from those districts with LEP students was entered on a computer, using an electronic spreadsheet program. In this way the discrete units of data could be grouped in various ways and compared to other groups of data.

Data display is defined by Miles and Huberman (1984) as an "organized assembly of information that permits conclusion-drawing and action-taking" (p. 24). Much time and attention was given to the creation of displays in order to communicate the information in a way that would give empirically-based answers to the research questions.

Report of Findings

Policy Formulation Research Question:

1. What is the current status of ESL/bilingual education policy in Oregon school districts?

The questionnaire elicited some demographic background information in order to give context to the answer to the first research questions. In this survey, 86 of the 286 responding districts reported having 4,981 LEP

students in attendance. Of the non-responding districts, seven have a total of 532 LEP students, according to the Oregon Department of Education (1987). Therefore, there are a total of 5,513 LEP students in 93 school districts in Oregon (see Table II). The findings of this study are based on the 86 responding districts which reported LEP students.

LEP students in Oregon represent 1.29 percent of the total school population of 428,904. They attend schools in 25 of Oregon's 36 counties. In only 13 districts do they constitute more than five percent of the ADM (Average Daily Membership), the minimum percentage specified in the May 25th Memorandum to the Civil Rights Act of 1964. Only three small districts (less than 250 ADM) report more than 20 percent LEP students. Of the 78 districts with less than five percent LEP students, over half have less than one percent.

TABLE II

DISTRIBUTION OF LEP STUDENTS IN OREGON SCHOOL DISTRICTS

County	Number of LEPs	Districts with LEPs		
		Less Than 5%	5% to 20%	Over 20%
Central Oregon	158			
Deschutes	12	1		
Hood River	28	1		
Jefferson	53	2		
Wasco	65	1		
Coastal Counties	33			
Clatsop	5	1		
Coos	6	1		
Lincoln	16	1		
Tillamook	6	1		
Eastern Counties	651			
Grant	4	1		
Malheur	229	3	2	
Morrow	97		1	
Umatilla	229	4	2	
Union	2	1		
Portland Metro	2813			
Clackamas	269	15	1	1
Multnomah	1832	8		
Washington	712	10		
Southern Counties	393			
Douglas	21	2		
Jackson	214	4		
Klamath	158	2	1	
Willamette Valley	1465			
Benton	74	1		
Lane	214	5		
Linn	206	1		
Marion	1052	8	3	2
Polk	110	1		
Yamhill	99	5		
Totals:	5513	80	10	3

Languages of LEP students. Districts reported 46 different primary languages spoken by their LEP students. Spanish speakers make up 40.6 percent of the LEP student population, and 38.1 percent speak one of 12 Asian languages. Russian is spoken by 6.4 percent, and the rest of the languages are spoken by 14.1 percent of LEP students in the state (see Table III).

TABLE III

PRIMARY LANGUAGES SPOKEN BY LEP STUDENTS IN

OREGON SCHOOLS

Language Groups	Number of LEPs	Percent of All Leps	Number of Districts
Spanish	2023	40.6	76
Asian Languages	1896	38.1	36
Vietnamese (739)			
Cambodian (288)			
Lao (265)			
Mien (168)			
Hmong (139)			
Korean (70)			
Chinese (57)			
Japanese (34)			
Indochinese (24)			
Taiwanese (3)			
Thai (2)			
Asian (not specified) (107)			
Russian	321	6.4	9
All Other Languages	703	14.1	
American Indian (38)			
Farsi (23)			
Romanian (18)			
Hebrew (16)			
Tagalog (13)			
Indonesian (13)			
Romance (12)			
German (7)			
Not specified (557)			
Specified below* (44)			

* Four students each: Hindi, Hungarian, Middle Eastern, Portuguese.
Three students each: Afghan, Arabic, Nepalese.
Two students each: Finnish, Italian, Polish, Slavic, Truk.
One student each: Bangladesh, Croatian, Danish, Ethiopian, Hawaiian, Iraqui, Khmer, Malaysian, Swedish.

The status of district policy. Respondents were asked to indicate whether district policy mandated certain practices. An analysis of data indicated that 52 percent of the districts did not specify that district policy mandated any practice in their ESL/bilingual program. District policy was never the most frequently mentioned reason for ESL/bilingual practices. Twenty-three percent of the districts mentioned district policy as a rationale for maintaining identification plans for LEP students, and 21 percent cited district policy as a reason for implementing ESL pull-out programs. District policy was mentioned by less than 18 percent of districts for all other practices specified on the questionnaire (see Table IV).

All districts were asked to send a copy of their policies relevant to the education of their language minorities. Only two districts sent written policies.

TABLE IV

DISTRICT POLICY AS A RATIONALE FOR IMPLEMENTING

ESL/BILINGUAL PRACTICES

Questionnaire Item		Freq.	% (n=86)
1.	Identification plans for LEPs	20	23
2.	Assessment in L1 and L2	6	7
3.	Unbiased instruments	10	12
4.	Bilingual classrooms	5	6
5.	ESL pull-out	18	21
6.	Other instructional models	2	2
7.	Instruction in L1	3	3
8.	Development of L1	1	1
9.	Time limit to program	1	1
10.	Must demonstrate readiness to exit	13	15
11.	Systematic exit procedures	14	16
12.	Transitional help provided	12	14
13.	May return to program	12	14
14.	Culturally relevant curriculum	6	7
15.	Minority cultures taught	5	6
16.	Parents involved in ed. program	14	16
17.	Parent communication in L1	8	9
18.	Parents made welcome	11	13
19.	Instructors trained in ESL	12	14
20.	Effort to hire minority staff	7	8
21.	Regular evaluation of LEP programs	15	17
22.	Records kept on LEP achievement	15	17

Policy Implementation Research Question:

2. What are the structures and procedures which guide ESL/bilingual policy in the areas of (a) identification and assessment, (b) instructional programs, (c) primary language usage, (d) exiting and

mainstreaming, (e) recognition of minority group cultures, (f) parental involvement, (g) personnel requirements, and (h) program evaluation?

Identification and assessment. In the area of identification and assessment of LEP students, 63 percent of districts report having an identification plan, and 60 percent maintain they use unbiased instruments; yet only 43 percent say they assess in both languages (see Table V).

TABLE V

IDENTIFICATION AND ASSESSMENT POLICIES

Item	Yes	No	No Response
1. Identification plans for LEPs.	54 (63%)	20 (23%)	12 (14%)
2. Assessment in L1 and L2	37 (43%)	36 (42%)	13 (15%)
3. Unbiased assessment instruments	52 (60%)	18 (21%)	16 (19%)

Instructional Programs. Concerning instructional programs for LEP students, 72 percent of districts use an ESL pull-out model, 17 percent provide bilingual classrooms, and 35 percent say they use other models Some districts indicate the use of two or three of the above (see Table VI).

TABLE VI

INSTRUCTIONAL PROGRAMMING POLICIES

Item	Yes	No	No Response
4. Bilingual classrooms	15 (17%)	56 (65%)	15 (17%)
5. ESL pull-out model	62 (72%)	7 (8%)	17 (20%)
6. Other models	30 (35%)	8 (9%)	48 (56%)

Primary Language Usage. The use of primary languages for classroom instruction is very rare, reported by 24 percent of districts. The development of primary language skills is even more unusual, being implemented by five percent of the districts (see Table VII).

TABLE VII

PRIMARY LANGUAGE USAGE POLICIES

Item	Yes	No	No Response
7. Instruction in the primary language	21 (24%)	47 (55%)	18 (21%)
8. Development of the primary language	4 (5%)	58 (67%)	24 (28%)

Exiting and mainstreaming procedures. Only 13 percent of the districts have a set limit to the amount of time a student may stay in an ESL/bilingual program. Most districts (71 percent) require a demonstration of readiness before a student is exited to the regular program and 55 percent say they have systematic exiting procedures (see Table VIII). Once a child is exited from the ESL/bilingual program, 67 percent of districts provide transitional help, and if the child experiences unusual difficulty, 67 percent of districts allow the option to return to the ESL/bilingual program (see Table IX).

TABLE VIII

EXITING POLICIES

Item	Yes	No	No Response
9. Time limit in program	11 (13%)	41 (48%)	34 (40%)
10. Demonstration of readiness required	61 (71%)	10 (12%)	15 (17%)
11. Exiting procedures systematic	47 (55%)	20 (23%)	19 (22%)

TABLE IX

MAINSTREAMING POLICIES

Item	Yes	No	No Response
12. Transitional help provided	58 (67%)	14 (16%)	14 (16%)
13. Returning to program is an option	58 (67%)	10 (12%)	18 (21%)

Recognition of minority cultures. The language minority students' cultural backgrounds are considered in program planning by 50 percent of the districts, and the cultures of language minority students are taught in the curriculum in 30 percent of the districts (see Table X).

TABLE X

RECOGNITION OF MINORITY CULTURES

Item	Yes	No	No Response
14. Culturally relevant curriculum	43 (50%)	17 (20%)	26 (30%)
15. Minority cultures taught	26 (30%)	34 (40%)	26 (30%)

Involvement of minority parents. The involvement of minority parents is sought in program development and implementation by 55 percent of the districts. Communication with parents in their dominant language occurs in 65 percent of the districts, and 73 percent of the districts say that parents of language minority students are made to feel welcome in the school (see Table XI).

TABLE XI

PARENTAL INVOLVEMENT POLICIES

Item	Yes	No	No Response
16. Parents involved in the educational program	47 (55%)	19 (22%)	20 (23%)
17. Communications in L1 of parents	56 (65%)	18 (21%)	12 (14%)
18. Minority parents are made welcome	63 (73%)	5 (6%)	18 (21%)

Instructional Personnel. In the area of personnel requirements, 57 percent of the districts report that teachers who work with LEP students have specialized training in either bilingual education or teaching English as a second language. An effort is made to employ staff at all levels who share the same ethnicity of the language minority students in 33 percent of the districts (see Table XII).

TABLE XII

PERSONNEL POLICIES

Item	Yes	No	No Response
19. Instructors trained in ESL methods	49 (57%)	23 (27%)	14 (16%)
20. Effort made to hire minority staff	28 (33%)	26 (30%)	32 (37%)

Program Evaluation. The ESL/bilingual programs are regularly evaluated with the purpose of program improvement in 67 percent of the districts. Data is collected and records kept on the academic achievement of language minority students by 51 percent of the districts (see Table XIII).

TABLE XIII

PROGRAM EVALUATION POLICIES

Item	Yes	No	No Response
21. Regular evaluation of ESL/bilingual programs	58 (67%)	17 (20%)	11 (13%)
22. Records kept on achievement of LEPs	44 (51%)	21 (24%)	21 (24%)

Responses to the survey were broken down and tabulated by district size and by concentrations of LEP students. This comparison of data showed that the responses of large districts and those of small districts did not vary significantly from the overall responses reported above. However, the responses of those districts with large concentrations of LEP students indicated stronger ESL/bilingual practices in every policy area when compared to the combined responses of all districts.

Policy Impact Question:

3. Are local school districts' ESL/bilingual policies in apparent compliance with the laws regarding equal educational opportunity for language minority students?

When the responses to questionnaire items were compared to the requirements of the laws relating to the education of language minorities, few districts demonstrated apparent compliance (see Table XIV). In tabulating the questionnaire responses, it was found that 29 of the 86 districts met the Title VI requirements for language minorities as specified in the May 25 Memorandum. However, these procedures were required of only those districts with more than five percent national origin minority group children, and by applying the criteria to the twelve districts with more than five percent, only seven districts were found to be apparently out of compliance with Title VI.

TABLE XIV

APPARENT COMPLIANCE WITH FEDERAL AND STATE LAWS

Regulation	Apparent Compliance		Apparent Lack of Compliance	
	No.	%	No.	%
Federal Regulations				
Title VI, Civil Rights Act, 1964	79	92	7	8
Lau Guidelines	65	76	21	24
Oregon State Regulations				
OAR 581-15-072 (Item 3)	52	60	34	40
OAR 581-21-030 (Item 17)	55	64	31	36
OAR 581 21-046(8) (Items 1, 3, 9, 10, 11, 12)	14	16	72	84
OAR 581-21-046(9)	31	36	55	64
OAR 581-22-402 (Items 10, 14)	37	43	49	57
OAR 581-22-602 (Items 3, 12)	42	49	44	51
OAR 581-22-606 (Items 21,22)	38	44	48	56
ORS 336.079 (Items 4, 5, or 6)	82	95	4	5
ORS 342.609	48	56	38	44

The data suggests that only five districts in the state meet all requirements for compliance with the Lau Guidelines. However, these guidelines were directed only to districts with 20 or more LEP students in a single language category. When that limitation is applied, only 21 districts are not in apparent compliance.

Oregon State laws relevant to ESL/bilingual education apply to all districts with one or more LEP students. A majority of districts are not in apparent compliance with five of the nine Oregon laws examined in this study.

1. (OAR 581-21-046[8]). The requirement for districts to develop and implement plans for identifying LEP students and to provide appropriate programs until they can benefit from the regular instructional program appears to be in compliance by 16 percent of the districts.

2. (OAR 581-21-046[9]). The requirement to develop Equal Opportunity Plans, including multicultural education components, shows apparent compliance by 36 percent of the districts.

3. (OAR 581-22-402). Forty-three percent of the districts appear to be in compliance with the requirement to provide appropriate curriculum and instruction to students achieving less than expected for their grade level (in the context of appropriate education for language minority students).

4. (OAR 581-22-606). The requirement to use appropriate methods to assess each student's learning needs and interests of each student shows apparent compliance by 49 percent of the districts.

5. (OAR 581-22-606). Forty-four percent of the districts show apparent compliance with the requirement to maintain procedures for

evaluating and improving all instructional programs (including ESL/-bilingual programs), including student performance measures.

Only eight districts (nine percent of the respondents with LEP students) are in apparent compliance with all Oregon laws relating to ESL/bilingual education. Seventy-eight districts (91 percent) appear to be out of compliance with at least one of the laws. The procedures most often mentioned that are not in legal compliance are (a) arbitrary time limits for exiting, (b) minority cultures not taught in the curriculum, and (c) the cultural background of minority students is not taken into account when planning the curriculum.

Policy Impact Research Question:

4. Are local school districts' ESL/bilingual education policies in concurrence with basic principles for effectively educating language minority students?

The responses to the questionnaire indicate that policies and procedures of districts are rarely in concurrence with the five basic principles for effectively educating language minority students (see Table XV).

Only four percent of districts responded in accordance with the first basic principle, the importance of the development of both languages in bilingual children.

The responses of 29 percent of the districts appear to concur with the second basic principle, which defines the two domains of language proficiency.

TABLE XV

CONCURRENCE BETWEEN ESL/BILINGUAL POLICIES AND BASIC PRINCIPLES FOR THE EDUCATION OF LANGUAGE MINORITIES

Basic Principles	Districts in Agreement		Districts Not in Agreement	
	No.	%	No.	%
First Basic Principle (Items 4, 8)	3	4	83	97
Second Basic Principle (Items 9, 10, 11)	25	29	61	71
Third Basic Principle (Item 7)	21	24	65	76
Fourth Basic Principle (Items 4, 5, or 6; & 14, 15)	36	42	50	58
Fifth Basic Principle (Items 16, 17, 18)	36	42	50	58
All Five Basic Principles	2	2	84	98

The third basic principle, which states that learning in the primary language will readily transfer to English, is supported by the responses of 24 percent of the districts.

Forty-two percent of districts show concurrence with the fourth basic principle, which states that second language acquisition is a function of comprehensible input and a supportive affective environment.

The policies and practices of 42 percent of the districts appear to

support the fifth basic principle, that the perceived status of language minority students affects student outcomes.

An analysis of the data shows that only two percent of the districts have policies and practices that concur with all five basic principles.

Conclusions

1. One of the most notable findings in this study was the lack of frequency that district policy was mentioned as the basis for implementing ESL/bilingual practices in the schools. This could be due to (a) lack of written policy, (b) lack of knowledge of the policy, or (c) the perception of lack of importance of policy. According to McLaughlin (1987), those actors involved in the implementation of policy are not especially concerned with the wording or intent of policy as it was enunciated by the policy formulators at the macro level. Rather, they have their own set of beliefs, constraints, and self-interests that shape how the policy looks as implemented.

In the absence of written district policy, standard operating procedures imply de facto policy, under which most Oregon districts appear to be operating, according to their responses. This study found that policies and procedures are implemented, according to the majority of respondents, because they are considered educationally effective. Apparently the standard of what practices are educationally effective is based on the perception of the ESL/bilingual program director of each district, rather than research-based principles, or state and federal laws. In the absence of a clear statewide standard by which to interpret laws (Jones, 1977), there is a wide variation in the quality of instructional services for language minority students.

2. Although the majority of districts are in apparent compliance with most questionnaire items related to the law, very few districts appear to meet all requirements necessary to comply with each law at the federal and state levels.

The eight Oregon districts which are in apparent compliance with all laws relevant to ESL/bilingual education are not all one type of district. In fact, their diversity of characteristics contradicts the supposition that a district must be large, with substantial resources, and have large numbers of LEP students, in order to comply with the law. These eight districts do not fit into a single category. Their ADMs range from 657 to 50,900; the numbers of LEP students from 15 to 1,699. They are located in rural, suburban, and urban areas of six counties throughout the state. Their singly unifying feature is that policy decisions have been made that put their ESL/bilingual programs in apparent compliance with the law.

3. The correlation between school districts' ESL/bilingual education policies and basic principles for effectively educating language minority students is very low. Only two districts report policies and practices that support all five basic principles. The implementation of these principles in school districts is unsystematic at best and completely ignored at worst.

The synthesis of findings from the two policy impact questions suggests strongly that Oregon districts exhibit neither consistent compliance with laws pertaining to ESL/bilingual education programs, nor conformance with research-based principles for effectively educating

language minority students. This study concludes, therefore, that the impact of ESL/bilingual policies as implemented in a majority of Oregon school districts is failing in many important respects to provide equal educational opportunity to language minority students.

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APPENDIX

SURVEY OF EDUCATIONAL POLICIES AND PRACTICES
AFFECTING ESL STUDENTS IN OREGON

I. PART I: DEMOGRAPHIC AND BACKGROUND INFORMATION

1. Name of District: _____

2. Name and title of person completing the questionnaire:

_____ _____
Name Title

3. Does your district have in attendance students whose first language is not English (referred to as ESL, or English as a Second Language students)?

Yes_____ No_____

4. If yes, please provide the numbers of ESL students by language groups.

Language Group	Number of ESL Students	Check here if your district does not keep records of these numbers: ____
_____	_____	
_____	_____	
_____	_____	

(Please attach additional sheets if necessary)

5. Do you provide some form of special instructional services to the ESL students in your district who are also limited in their English language proficiency? (e.g., tutorial, ESL program, bilingual classes, etc.)?

Yes_____ No_____

6. How long has your district provided these services? _____

7. Please provide the numbers of ESL students who are now receiving or who have received special instructional services, by language group.

Language Group	Number of ESL students being served	Number of ESL students exited from program (still in district)
_____	_____	_____
_____	_____	_____
_____	_____	_____

(Please attach additional sheets if necessary)

If you answered no to questions 3 or 5, stop here. Please mail this partially completed questionnaire. It is important to hear from districts with no ESL students as well as those with programs.

THANK YOU VERY MUCH FOR YOUR TIME

PART II. DISTRICT POLICIES AND ADMINISTRATION OF SERVICES TO ESL STUDENTS

DIRECTIONS: PLEASE ANSWER EACH QUESTION BY CHECKING ALL BOXES THAT APPLY. YOU MAY CHECK MORE THAN ONE BOX FOR EACH QUESTION. IF THE POLICY OR PRACTICE IS TRUE ONLY FOR CERTAIN LANGUAGE GROUPS IN YOUR DISTRICT, WRITE THOSE UNDER "COMMENTS".

	YES										NO			
	ONLY TRUE OF CERTAIN LANGUAGE GROUPS	MANDATED BY DISTRICT POLICY	MANDATED BY LAW	EDUCATIONALLY EFFECTIVE	ENCOURAGED BY COMMUNITY PRESSURE	PROHIBITED BY COMMUNITY PRESSURE	LACK OF FUNDING	LACK OF TRAINED PERSONNEL	NOT EDUCATIONALLY EFFECTIVE	DISCOURAGED BY COMMUNITY PRESSURE	NOT APPLICABLE	DON'T KNOW	COMMENTS
1. There is a district wide systematic process for the identification of limited English proficient students.													
2. Language minority students are assessed for language proficiency in both their home language and English.													
3. When diagnosing their learning needs, limited English proficient students are assessed using tests that do not penalize them for their lack of English proficiency, and are not culturally biased.													
4. Limited English proficient students are placed in bilingual classrooms.													
5. Limited English proficient students are placed in regular classrooms, and participate in an ESL pull-out program.													
6. A different type of instructional services is provided for limited English proficient students than those mentioned in items 4 and 5 above. Please specify:_____													
7. The students' native languages are used to teach content areas while their English proficiency is developing.													
8. The development of the students' native languages is a goal of the program.													
9. There is a limit to the amount of time students stay in ESL or bilingual programs: a maximum of _____ years.													
10. Students stay in ESL or bilingual programs until they demonstrate the ability to succeed in the regular all-English school program.													
11 There is a systematic process for assessing students' readiness to be exited from ESL or bilingual programs.													

PLEASE COMPLETE THE BACK OF THIS PAGE

	YES						NO							
	ONLY TRUE OF CERTAIN LANGUAGE GROUPS	MANDATED BY DISTRICT POLICY	MANDATED BY LAW	EDUCATIONALLY EFFECTIVE	ENCOURAGED BY COMMUNITY PRESSURE	PROHIBITED BY DISTRICT POLICY	LACK OF FUNDING	LACK OF TRAINED PERSONNELL	NOT EDUCATIONALLY EFFECTIVE	DISCOURAGED BY COMMUNITY PRESSURE	NOT APPLICABLE	DON'T KNOW	COMMENTS
12. Transitional help is available to ensure students' successful adjustment to the regular school program.														
13. If a student has academic difficulties after being mainstreamed, returning to the ESL or bilingual program is an option.														
14. The language minority students' cultural backgrounds are considered in planning a program to meet their learning needs (e.g., the curriculum is culturally relevant).														
15. The cultures of the language minority students are taught in the curriculum to both minority and dominant culture students.														
16. Involvement of the minority language parents is sought in program development and implementation.														
17. The school communicates with parents in their dominant language regarding their children's placement and progress.														
18. Minority language parents are made to feel welcome and needed in the education of their children.														
19. Teachers and aides who work with limited English proficient children have specialized training in bilingual education or teaching English as a second language.														
20. An effort is made to employ staff at all levels who share the same ethnic background of the language minority students in the district.														
21. The educational program for language minority students is regularly evaluated with the purpose of fine-tuning and improving it.														
22. Data is collected and records are kept on the academic achievement of language minority students, such as achievement test scores, in-grade retentions, percent of language minorities in remedial programs, and drop-out rates.														